IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

CRP.No. 2596 of 2001(B)

RCA.175/1999 of D.C. & SESSIONS COURT,KOZHIKODE
RCP.134/1998 of PRL.M.C.KOZHIKODE-I
.....

REVN. PETITIONER: APPELLANT/ RESPONDENT

HIRACHAND RATANSHI,
S/O.RATANSHI MANEKJI,
AGED 64, RESIDING AT 9/14 BEACH
ROAD, CALICUT 1.

BY ADV. SRI.B.G.BIDAN CHANDRAN
SMT.LISSY DEVASSY

RESPONDENTS: RESPONDENTS/ PETITIONERS
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1. **THOBBAN C.LODAYA, S/O.CHAMPSHI KANJI,**
AGED 65 YEARS, 8/225,
SILK STREET, NAGAROM AMSOM DESOM,
KOZHIKODE TALUK.

2. **MANISH T.LODAYA,**
S/O.THOBBAN C.LODAYA,AGED 30 YEARS,
8/225, SILK STREET, NAGAROM AMSOM DESOM,
KOZHIKODE TALUK

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.SHYAM PADMAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/ 07 /2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

C.R.P.NO.2596 OF 2001 (B)

Dated this the 24th day of July, 2007

O R D E R

KOSHY,J.

This revision petition is filed by the tenant challenging the order of eviction passed concurrently under Section 11(4)(iii) and 11(4)(v) of the Kerala Building (Lease and Rent Control) Act, 1965. When the case was posted on 18.12.2001, it was submitted that delivery of the property was effected on 15.9.2001 before stay was ordered by this Court and that was recorded by the Division Bench on 18.12.2001. It was adjourned to 28.1.2002. Thereafter it was adjourned to 1.2.2002. On that day following order was passed:

> "When this petition came up for hearing counsel for landlord submitted that delivery has already been effected. He has also produced documents to that effect. We record the statement that delivery has already been effected. Post after one month."

Counsel now appearing for the petitioner submits that since the then counsel for the revision petitioner shifted his practice, some more time may be granted for verification. Since it is already recorded that the vacant possession was already handed over, we are of the opinion that this civil revision petition can be dismissed as infructuous. However, we make it clear that if delivery was not effected so far, the revision petitioner can approach this Court within two months from today for reviewing the matter. Accordingly this C.R.P. is dismissed as infructuous.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

C.R.P.NO.2596 OF 2001 (B)

O R D E R

24th July, 2007